



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/636,099 | 08/10/2000 | Jesus Guinea | 99AG11353231 | 6346 |

7590 03/04/2004

Christopher F Regan
Allen Dyer Doppelt Milbrath & Gilchrist PA
P O Box 3791
Orlando, FL 32802-3791

EXAMINER

MUNOZ, GUILLERMO

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2634

DATE MAILED: 03/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/636,099

Applicant(s)

GUINEA ET AL.

Examiner

Guillermo Munoz

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13, 15, 20, 23 and 24 is/are allowed.
- 6) ☒ Claim(s) 6-12, 14, 16-19, 21, 22 and 25-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6, of originally filed claims 1-6 is not cancelled in the preliminary amendment filed on August 10, 2000. Originally filed claim 6 is indefinite for being dependent upon cancelled claim 5, thereby rendering the scope of the claim unascertainable.

For the reason stated above, new claims 6-33, added in preliminary amendment filed on August 10, 2000, have been renumbered claims 7-34, respectively, and are henceforth referred to as such.

Claims 7-12, 14, 16-19, 21, 22, and 25-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 7, 10, 14, 16, 17, 21, 25, 26, 29, 30, and 33, the phrases "first type" and "second type" render the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "transition"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(b). It is suggested the phrases "first type" and "second type" be replaced.

Claims 8, 9, 11, 12, 18, 19, 22, 27, 28, 31, 32, and 34 are dependent on rejected claims, and are rejected under 35 U.S.C. 112, second paragraph.

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in European Patent Office on 08/12/1999. It is noted, however, that applicant has not filed a certified copy of the 99830524.7 application as required by 35 U.S.C. 119(b).

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

Claims 13, 15, 20, 23, and 24 are considered allowable because the present invention comprises local timing signal generator having a first circuit and a second circuit. The first circuit generating four local timing signals having a phase difference of $\frac{1}{4}$ period. Further, having the generated local timing signals delay increased or decreased based upon a pair of the generated local timing signals selected in a second circuit; the pair of signals having a phase difference of $\frac{1}{2}$ period. The closes prior art, Yakabe et al. (US Patent Number 6,118,313) shows a similar circuit including a local timing generator circuit. However, Yakabe et al. fails to teach selecting a pair of timing signals from timing signal generator having a phase difference of $\frac{1}{2}$ period for determining whether the locally generated timing signals delay is increased or decreased. This distinct feature has been included in independent claim 13 and 20 rendering them allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Art Unit: 2634

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guillermo Munoz whose telephone number is 703-305-4224. The examiner can normally be reached on Monday-Friday 8:30a.m-4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GM
February 27, 2004



STEPHEN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600